



General Assembly

February Session, 2012

Amendment

LCO No. 4592

SB0037604592SD0

Offered by:

SEN. MEYER, 12th Dist.

SEN. FASANO, 34th Dist.

To: Senate Bill No. 376

File No. 282

Cal. No. 221

(As Amended)

**"AN ACT CONCERNING THE COASTAL MANAGEMENT ACT AND
SHORELINE FLOOD AND EROSION CONTROL STRUCTURES."**

1 Strike section 3 and insert the following in lieu thereof:

2 "Sec. 3. Subsections (a) to (c), inclusive, of section 22a-109 of the
3 general statutes are repealed and the following is substituted in lieu
4 thereof (*Effective from passage*):

5 (a) A coastal site plan shall be filed with the municipal zoning
6 commission to aid in determining the conformity of a proposed
7 building, use, structure or shoreline flood and erosion control
8 structure, as defined in subsection (c) of this section, fully or partially
9 within the coastal boundary, with the specific provisions of the zoning
10 regulations of the municipality and the provisions of sections 22a-105
11 and 22a-106, and in the case of shoreline flood and erosion control
12 structures, the provisions of sections 22a-359 to 22a-363, inclusive, as

13 amended by this act, and any regulations adopted thereunder. A
14 coastal site plan required under this section may be modified or denied
15 if it fails to comply with the requirements already set forth in the
16 zoning regulations of the municipality and, in addition, the coastal site
17 plan may be modified, conditioned or denied in accordance with the
18 procedures and criteria listed in sections 22a-105 and 22a-106. A
19 coastal site plan for a shoreline flood and erosion control structure may
20 be modified, conditioned or denied if it fails to comply with the
21 requirements, standards and criteria of sections 22a-359 to 22a-363,
22 inclusive, as amended by this act, and any regulations adopted
23 thereunder. A coastal site plan for a shoreline flood and erosion
24 structure shall be approved if the record demonstrates and the
25 commission makes specific written findings that such structure is
26 necessary and unavoidable for the protection of infrastructural
27 facilities, cemetery or burial grounds, water-dependent uses
28 fundamental to habitability or primary use of such property or
29 inhabited structures or structure additions constructed as of January 1,
30 1995, that there is no feasible, less environmentally-damaging
31 alternative and that all reasonable mitigation measures and techniques
32 are implemented to minimize adverse environmental impacts. Review
33 of a coastal site plan under the requirements of this section shall
34 supersede any review required by the municipality under subsection
35 (g) of section 8-3 and shall be in addition to any applicable zoning
36 regulations of any special district exercising zoning authority under
37 special act. The provisions of this section shall not be construed to limit
38 the authority of the Commissioner of Energy and Environmental
39 Protection under sections 22a-359 to 22a-363, inclusive, as amended by
40 this act.

41 (b) The zoning commission may by regulation exempt any or all of
42 the following uses from the coastal site plan review requirements of
43 this chapter: (1) Minor additions to or modifications of existing
44 buildings or detached accessory buildings, such as garages and utility
45 sheds; (2) construction of new or modification of existing structures
46 incidental to the enjoyment and maintenance of residential property

47 including but not limited to walks, terraces, driveways, swimming
48 pools, tennis courts, docks and detached accessory buildings; (3)
49 construction of new or modification of existing on-premise structures
50 including fences, walls, pedestrian walks and terraces, underground
51 utility connections, essential electric, gas, telephone, water and sewer
52 service lines, signs and such other minor structures as will not
53 substantially alter the natural character of coastal resources or restrict
54 access along the public beach; (4) construction of an individual single-
55 family residential structure except when such structure is located on
56 an island not connected to the mainland by an existing road bridge or
57 causeway or except when such structure is in or within one hundred
58 feet of the following coastal resource areas: Tidal wetlands, coastal
59 bluffs and escarpments and beaches and dunes; (5) activities
60 conducted for the specific purpose of conserving or preserving soil,
61 vegetation, water, fish, shellfish, wildlife and other coastal land and
62 water resources; (6) interior modifications to buildings; and (7) minor
63 changes in use of a building, structure or property except those
64 changes occurring on property adjacent to or abutting coastal waters.
65 Gardening, grazing and the harvesting of crops shall be exempt from
66 the requirements of this chapter. Notwithstanding the provisions of
67 this subsection, shoreline flood and erosion control structures as
68 defined in subsection (c) of this section shall not be exempt from the
69 requirements of this chapter.

70 (c) For the purposes of this section, "shoreline flood and erosion
71 control structure" means any structure the purpose or effect of which is
72 to control flooding or erosion from tidal, coastal or navigable waters
73 and includes breakwaters, bulkheads, groins, jetties, revetments,
74 riprap, seawalls and the placement of concrete, rocks or other
75 significant barriers to the flow of flood waters or the movement of
76 sediments along the shoreline. The term shall not include: [any] (1)
77 Any addition, reconstruction, change or adjustment to any walled and
78 roofed building which is necessary for such building to comply with
79 the requirements of the Code of Federal Regulations, Title 44, Part 50,
80 and any municipal regulation adopted thereunder, or (2) any activity,

81 including, but not limited to, living shorelines projects, for which the
82 primary purpose or effect is the restoration or enhancement of tidal
83 wetlands, beaches, dunes or intertidal flats."